



DEPARTMENT OF EDUCATION

[Docket No.: ED-2022-SCC-0117]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Build America, Buy America Act (BABAA) Domestic Sourcing Requirements Waiver - United States Department of Education BABAA Waiver Request Form

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and

other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Pedro Romero, (202) 453-7886.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Build America, Buy America Act (BABAA) Domestic Sourcing Requirements Waiver - United States Department of Education BABAA Waiver Request Form.

OMB Control Number: 1894-0018.

Type of Review: Extension without change of a currently approved ICR.

Respondents / Affected Public: State, local, and Tribal Governments.

Total Estimated Number of Annual Responses: 470.

Total Estimated Number of Annual Burden Hours: 4,700.

Abstract: In accordance with section 70914 of the Build America Buy America Act (Pub. L. No. 117-58 sections 70901-70953) (BABAA), grantees funded under Department of Education (the Department) programs that allow funds to be used for infrastructure projects (infrastructure programs), i.e., construction and broadband infrastructure, may not use their grant funds for these infrastructure projects or activities unless they comply with the following BABAA sourcing requirements: 1) All iron and

steel used in the infrastructure project or activity are produced in the United States, 2) All manufactured products used in the infrastructure project or activity are produced in the United States, and 3) All construction materials are manufactured in the United States. The Department may, in accordance with sections 70914(b) and (d), 70921(b), 70935, and 70937 of BABAA, and the Office of Management and Budget Memorandum M 22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, approve waivers to BABAA sourcing requirements submitted by grantees under programs it has identified as infrastructure programs when it determines that exceptions to these requirements apply. The Department may approve, subject to notice and comment requirements and the Office of Management and Budget Made in America Office (MIAO) review, the types of waivers listed below when one or more of the following conditions are met: 1) Public Interest Waiver - Applying the BABAA sourcing requirement would be inconsistent with the public interest, 2) Non-availability Waiver - The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality, and 3) Unreasonable Cost Waiver - The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

This is a new information collection and it includes the following two documents: 1) the Build America, Buy America Act (BABAA) Domestic Sourcing Requirements Waiver - United States Department of Education BABAA Waiver Request Form (BABAA Waiver Request Form); and 2) a document listing the BABAA Waiver Request Form data elements.

Dated: December 27, 2022.

Stephanie Valentine,

PRA Coordinator,

Strategic Collections and Clearance,

Governance and Strategy Division,

Office of Chief Data Officer,

Office of Planning, Evaluation and Policy Development.

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